

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Kevin A. Tolliver,	:	
	:	
Plaintiff	:	Case No. 2:06-cv-908
v.	:	
	:	Judge Smith
Liberty Mutual Fire Insurance Company,	:	Magistrate Judge Abel
	:	
Defendant	:	

ORDER

Plaintiff Kevin A. Tolliver, an inmate at Ross Correctional Institution (RCI), brought this action alleging that defendant Liberty Mutual Fire Insurance Company denied his insurance claim wrongfully and in bad faith. On December 11, 2006, the Court overruled plaintiff's objections to the Magistrate Judge's Report and Recommendation on Initial Screening and dismissed the complaint as barred by *res judicata*. This matter is before the Magistrate Judge on Tolliver's December 28, 2006 motion to consolidate this case with *Kevin A. Tolliver v. Liberty Mutual Fire Insurance Company*, 2:06-cv-904 (doc. 11).

This is a closed case. Plaintiff chose to file two separate complaints against Liberty Mutual. He cannot circumvent the judgment in this case by consolidating it with 2:06-cv-904. Accordingly, plaintiff's December 28, 2006 motion to consolidate (doc. 11) is DENIED.

/s/ George C. Smith
George C. Smith
United States District Judge